

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.2634 OF 2006**

M/s.Harishree Enterprises...Petitioner

Vs.

M/s.Vikas Housing Ltd. & Anr..Respondents

Mr. Rohit Kapadia, Senior Counsel with Mr. V.S. Kadam

for the petitioner.

Mr. J. Reis with Mr. Yogesh Adhia, for Respondent

Nos. 1 and 3.

Mr. Rohit Shetty for respondent No.2.

Mr. G.D. Utangale, for respondent No.4.

Mrs. Trupti Puranik, for respondent No.5.

Mr. Kamal Katha i/b. Jameela Damani for respondent

Nos. 12 and 13.

Mr. K.R. Belosey, Govt. Pleader for Respondent No.6.

CORAM: **F.I. REBELLO &**

ANOOP V. MOHTA, JJ.

DATE: 10TH OCTOBER,2006

P.C.

. Petitioners and respondents pursuant to consent terms have divided a plot amongst themselves.

The petitioners herein were entitled to develop 6580 sq. meters and respondent No.1466.80 sq. meters.

It is the case of the petitioners that they apprehend that the respondents who have been allowed TDR of 7371.64 sq. meters may be using the TDR which they are entitled to in respect of their development.

2. On behalf of respondent Nos. 1 and 3 learned Counsel points out that the consent terms had been registered and petitioners and respondent No.1 are independent owners of their property. The question, therefore, of the respondent utilising the TDR of the property belonging to the petitioner does not arise. Apart from that a positive statement is made to this Court that the respondent Nos. 1 and 3 have not utilised the TDR of the plot allotted and in the ownership of the petitioners. Statement accepted. With the above observation petition stands disposed of.

(F.I. REBELLO, J)

(ANOOP V. MOHTA,J).